

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LUXEYARD, INC.,)	3:15-cv-00357-LRH-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	October 8, 2015
)	
KAY HOLDINGS, INC., SANO HOLDINGS,)	
INC., and ROBERT WHEAT,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff's Motion for Additional Time to Accomplish Service. (ECF No. 30.) Plaintiff represents it has made eight attempts at personal service upon Defendant Wheat and has exercised due diligence in attempting to serve the Defendant. (*Id.*, at 2.) Plaintiff requests an extension of 90 days to serve Defendant Wheat, stating Plaintiff has exhausted all reasonable means of locating Defendant Wheat and has also filed a motion to authorize substitute or alternate service. Plaintiff requests the court to grant its motion for additional time "consistent with Plaintiff's request for substitute or alternate service of process upon Defendant Wheat." (*Id.*, at 3.) The court, however, court has already considered the Plaintiff's motion to authorize substitute or alternate service (ECF No. 29), and has denied it without prejudice. (See, ECF No. 33.)

Plaintiff filed an amended complaint on August 27, 2015, which named Robert Wheat as an additional Defendant. (ECF No. 14.) Rule 4(m) of the Federal Rules of Civil Procedure has been interpreted to the effect that a new 120 day deadline to effect service would apply to newly-added parties. *City of Merced v. Fields*, 997 F.Supp. 1326, 1338 (E.D. Cal. 1998); *Disney v. Kenworth*, No. 1:12-cv-00484-AWI-GSA (2012 WL 3260454), Aug. 8, 2012, E.D. Cal.

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By: _____ /s/
Deputy Clerk